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**DATE:** January 30, 2006  
**FILE NO.:** ROC920010109US1 (IBMK10109)  
**TO:** MAIL STOP AMENDMENT  
Examiner Ronald Laneau  
**FAX NO.:** 1-571-273-8300  
**FROM:** Gero G. McClellan / David Magness  
**PAGE(S) with cover:** 15

**RE:**

**TITLE:** Method and Apparatus Upgrade Assistance Using Critical Historical Product Information  
**U.S. SERIAL NO.:** 09/865,371  
**FILING DATE:** May 25, 2001  
**INVENTOR(S):** Earl Walter Emerick et al.  
**EXAMINER:** Ronald Laneau  
**GROUP ART UNIT:** 3627  
**CONFIRMATION NO.:** 3728

Attached are the following document(s) for the above-referenced application:

Response To Office Action Dated October 28, 2005.

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PATENT  
App. Ser. No.: 09/865,371  
Atty Dkt No. ROC920010109US1  
PS Ref. No.: IBMK10109

JAN 30 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Earl Walter Emerick et al.  
Serial No.: 09/865,371  
Confirmation No.: 3728  
Filed: May 25, 2001  
For: Method and Apparatus Upgrade  
Assistance Using Critical  
Historical Product Information

Group Art Unit: 3627

Examiner: Ronald Laneau

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office to fax number 571-273-8300 to the attention of Examiner Ronald Laneau, on the date shown below:

January 30, 2006

\_\_\_\_\_  
Date\_\_\_\_\_  
David M. Magness

## RESPONSE TO OFFICE ACTION DATED OCTOBER 28, 2005

In response to the Office Action dated October 28, 2005, having a shortened statutory period for response set to expire on January 28, 2006, please enter this response and reconsider the claims pending in the application for reasons discussed below. While no fees are believed due, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 09-0465/ROC920010109US1 for any fees, including extension of time fees or excess claim fees, required to make this response timely and acceptable to the Office.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper. Remarks/Arguments begin on page 10 of this paper.